

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

4:23CR3045

vs.

ORDER

JOHN FRANCIS,

Defendant.

During the conference with counsel for all parties and the defendant, Defendant, by and through his attorney, Michael Wilson, moved to continue the trial because Defendant needs additional time to confer with counsel and perhaps seek new counsel. The motion to continue is unopposed. The court finds the motion should be granted.

IT IS ORDERED:

- 1) The motion to withdraw filed by the Berry Law Firm, (Filing No. 31), is denied. Michael J. Wilson will continue as Defendant's counsel.
- 2) Matthew Knipe's oral motion to withdraw is granted. Matthew Knipe is withdrawn as counsel for the defendant, and he shall no longer receive ECF notices in this case.
- 3) Defendant's motion to continue the trial is granted.
- 4) The trial of this case is set to commence before the Honorable John M. Gerrard, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska at 9:00 a.m. on December 4, 2023, or as soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.
- 5) Expert witness disclosures as required under Rule 16 must be served on or before November 22, 2023.

- 6) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and December 4, 2023 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 20th day of September, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge